

the general election. It's unclear with respect to what the limitation would then be for the general election. What this amendment says is that with respect to the general election you can spend up to 60 percent of the total expenditure limitation. You can spend up to 60 percent, that's assuming that you have spent less than the primary total limitation which is 50 percent. So in other words, if you spend 50 percent in the primary, you could only spend 50 percent in the general. But if you spent for example 40 percent of the overall limitation in the primary, you could then go as high as 60 percent in the general and there's no magic with these breakdown figures. They follow as closely as possible what spending tends to be between those two elections and that's what we have attempted to do is simply put into place what experience has been. So that's the one problem. The other problem that it seeks to address is a bizarre hypothetical that could come up that hopefully nobody would ever attempt to do because it's fraudulent in nature but we did want to put a provision in to deal with it. I call it the straw man problem and it would happen this way. Recall that under the general structure of the Campaign Finance Limitation Act a candidate who agrees to abide by the limitation, in the legislative race is \$50,000, for example. That person, in the event that there is another opponent who goes over \$50,000 and agrees not to abide, that abiding candidate has the right to the difference between the campaign expenditure limitation and whatever the estimate is that has been filed by the candidate going over the limitation. So it's conceivable that a person might say, well look, I'm going to stay within the limitation and then get somebody else to say, a straw man, not a real candidate, but somebody put up to say well, I'm not abiding by the limitation, I'm going up to \$80,000 and by virtue of that mechanism the fellow who agreed to abide would get additional money even though there was not a real second candidate there. And so we put in a provision that says that with respect to that situation there would be no public funds given over unless the candidate who was the nonabiding candidate who said he was going to go over actually had spent 40 percent of the estimated campaign limitation and that would have to happen in order for public funds to be transferred so as to avoid the possibility of a straw man situation. It's a bizarre unlikely situation but one that was mentioned to me and so one that I wanted to cover. I think maybe I should stop at that point and invite your questions.

SPEAKER WITHEM: Thank you, Senator Beutler. On the Beutler